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*Attorneys for The Travelers Home and
Marine Insurance Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MAXWELL B. WILLIAMS and CLAIRE
N. WILLIAMS, individually,

Plaintiffs,

vs.

THE TRAVELERS HOME AND MARINE
INSURANCE COMPANY and THE
TRAVELERS INDEMNITY COMPANY;
DOES I-X; AND ROE CORPORATIONS
I-X,

Defendants.

CASE NO. 2:20-cv-01669-JAD-BNW

**[PROPOSED] DISCOVERY PLAN AND
SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE WITH
LR 26-1(b)**

Plaintiffs Maxwell B. Williams and Claire N. Williams (collectively “Plaintiffs”) and Defendant The Travelers Home and Marine Insurance Company (“THMIC”) by and through their respective counsel, hereby stipulate and agree to the following [proposed] discovery plan and scheduling order in this matter pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1.

A. INTRODUCTION

This is a dispute between two insureds and their home insurance provider regarding the amount of benefits available for lost contents following an alleged burglary at the subject location. THMIC has filed a Motion to Dismiss and the briefing has concluded.

B. DATE THAT EARLY CASE CONFERENCE WAS HELD AND WHO ATTENDED

Pursuant to Fed. R. Civ. P. 26(f) Conference: On November 2, 2020, the Parties held a conference call to discuss the matters required by Fed. R. Civ. P. 26(f) and LR 26-1. Thomas Friedman of the law firm Brown, Bonn, & Friedman, LLC appeared for Plaintiffs. Lee H. Gorlin of the law firm Foran Glennon Palandech Ponzi & Rudloff PC appeared for THMIC.

C. SUBJECTS UPON WHICH DISCOVERY IS NEEDED

Discovery is required concerning the issues relating to the claims alleged in Plaintiffs' Complaint (ECF No. 1-1).

D. ISSUES ABOUT DISCLOSURE OR DISCOVERY OF ELECTRONICALLY STORED INFORMATION

The parties have discussed ESI requests and have agreed to preserve and maintain all electronically stored documents. The parties will coordinate with each other regarding applicable ESI protocols.

E. ISSUES ABOUT CLAIMS OF PRIVILEGE OR PRODUCTION OF PROTECTED INFORMATION

The parties acknowledge that there may be attorney-client privilege (or other privilege) issues that arise in this action. The parties agree to meet and confer regarding specific privilege issues that may arise in this matter before seeking the Court's intervention.

F. STATEMENT OF REASONS WHY LONGER TIME PERIODS SHOULD APPLY TO THIS CASE

The parties do not believe that a longer time period is necessary at this time. The parties reserve the right to stipulate or to ask the Court for additional time for good cause pursuant to the federal and local rules.

G. ALTERNATIVE DISPUTE RESOLUTION

The parties have discussed alternative dispute resolution and agree to continue to discuss and explore the possibilities of further alternative dispute resolution as this case proceeds. At this time, the parties prefer to continue with this action.

H. ALTERNATIVE FORMS OF CASE DISPOSITION

The parties have considered alternative forms of case disposition and decline to consent to those such forms.

I. ELECTRONIC EVIDENCE

The parties certify that electronic evidence was discussed and that presently there is no intent to present electronic evidence to a jury. The parties reserve their rights to modify their position as the case is developed.

J. THE PARTIES' PROPOSED DISCOVERY PLAN

The parties propose the following timeline:

1. **Initial Disclosures:** The parties will make their initial Federal Rule of Civil Procedure 26 disclosures by **Monday, November 16, 2020**, which is fourteen (14) days from the date of the Fed. R. Civ. Pro., Rule 26(f) conference.

2. **Discovery Cut-Off Date:** The discovery cut-off will be **Tuesday, March 16, 2021**. This date is 180 days from the date the first defendant appeared in this matter.

3. **Amending Pleadings and Adding Parties:** All motions to amend the pleadings or to add parties shall be filed not later than **Wednesday, December 16, 2020**, which is ninety (90) days before the discovery cut-off date.

4. **Fed. R. Civ. P. 26(a)(2) Disclosure of Experts:** Disclosures concerning experts shall be made by **Friday, January 15, 2021**, which is sixty (60) days before the discovery cut-off deadline. Disclosure of rebuttal experts shall be made by **Monday, February 15, 2021**, which is the first judicial day following thirty (30) days after the expert disclosures (which falls on a Sunday).

5. **Dispositive Motions:** The date for filing dispositive motions shall not be later than **Thursday, April 15, 2021**, which is thirty (30) days after the discovery cut-off date.

1 **6. Motions in Limine:** Motions in Limine should be filed thirty (30) days prior to
2 trial, unless otherwise ordered by the Court.

3 **7. Pretrial Order:** The date for filing the joint pretrial order shall not be later than
4 thirty days after the date set for filing dispositive motions on or before **Monday, May 17, 2021,**
5 which is the first business day following the expiration of 30 days after the deadline for filing of
6 dispositive motions. In the event that dispositive motions are filed, the date for filing the joint
7 pretrial order shall be suspended until thirty (30) days after decision on the dispositive motions or
8 until further order of the Court. The parties shall include the disclosures required pursuant to Fed.
9 R. Civ. P. 26(a)(3), and any objection thereto, with the pretrial order.

10 **8. Extension of Scheduled Deadline:** All motions or stipulations to extend discovery
11 shall be received by the court within twenty-one (21) days before the discovery cut-off on or before
12 **Tuesday, February 23, 2021.**

13 **K. LATER APPEARING PARTIES:**

14 A copy of this Discovery Plan and Scheduling Order shall be served upon any person served
15 after it is entered or, if additional defendants should appear, within five (5) days of their first
16 appearance. This Discovery Plan and Scheduling Order shall apply to such later appearing parties,
17 unless a stipulation of the parties is approved by the Court, or the Court, on motion for good cause
18 shown, otherwise ordered.

19 **L. ADDITIONAL INFORMATION:**

20 **Additional Provisions Regarding Inadvertent Disclosure / Claw Back**

21 In addition to the protection provided in Rule 26(b)(5)(B) regarding inadvertent production
22 of information subject to a claim of privilege or of protection as trial-preparation material, the
23 parties agree that disclosure of any document produced in this action could have been withheld, in
24 whole or in part, based on legitimate claim of attorney-client privilege, work-product protection, or
25 other applicable privilege (an "Inadvertently Produced Document") shall not result in the waiver of
26 any privilege or protection associated with such document, nor result in a waiver of any kind.

27 Within fourteen (14) days of a demand for the return of any Inadvertently Produced
28 Document, the producing party shall provide the receiving party with a privilege log setting forth

the basis for the claim of privilege in relation to the Inadvertently Produced Document. In the event that some portion of the Inadvertently Produced Document does not contain privileged information, the producing party will also provide a redacted copy of the Inadvertently Produced Document that omits the information subject to the claim of privilege.

If the receiving party disagrees with the producing party's designation of an Inadvertently Produced Document as privileged, it may object to such a designation by providing written notice within fourteen (14) days of receipt of a written demand for return of the subject Inadvertently Produced Document. Should the parties fail to reach agreement following a meaningful attempt to resolve the dispute, any such objection shall be resolved by the Court after an *in-camera* review of the Inadvertently Produced Document. No party may use any disputed document in the litigation while resolution of such a dispute is pending.

M. COURT CONFERENCE:

The Parties do not request a conference with the Court before the entry of this Scheduling Order.

DATED this 3rd day of November 2020

BROWN, BONN & FRIEDMAN, LLC

By: /s/ Thomas Friedman, Esq
Thomas Friedman (NV Bar No. 7708)
5528 South Fort Apache Road
Las Vegas, Nevada 89148

*Attorneys for Maxwell B. Williams and
Claire N. Williams*

DATED this 3rd day of November 2020

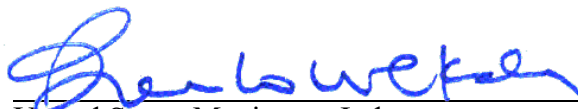
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By: /s/ Lee H. Gorlin, Esq
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*Attorneys for Travelers Home and Marine
Insurance Company*

ORDER

IT IS SO ORDERED.


United States Magistrate Judge

11/4/2020

Dated

CERTIFICATE OF SERVICE

Pursuant to FRCP 5, I hereby certify that a copy of the foregoing **[PROPOSED]** **DISCOVERY PLAN AND SCHEDULING ORDER** was served by submitting the same to the above-entitled Court for electronic service upon the Court's Registered Service List for the above-referenced case.

Dated this 3rd day of November, 2020.

/s/ Darhyl Kerr

An Employee of Foran Glennon